

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
v.)	No. 1:19-cr-59
)	
DANIEL EVERETTE HALE,)	Hon. Liam O’Grady
)	
Defendant.)	Status: Feb. 28, 2020

MOTION FOR BRIEF CONTINUANCE TO MAKE *EX PARTE* FILING

Undersigned counsel moves for a brief three-day extension of the deadline to make an *ex parte* submission to the Court in connection with the government’s CIPA § 4 filing. In support of this motion, the defense states as follows:

1. In connection with the parties’ dispute over the appropriate handling of the government’s CIPA § 4 filing, this Court today ordered the defense to submit *ex parte* its position regarding the relevance of the subject document and to do so within five days. Order, Dkt. No. 115. Five days from today’s date is Monday, February 17, 2020, which is a federal holiday.
2. One of undersigned counsel is scheduled to be on leave and out of town beginning tomorrow, Thursday, February 13, 2020 through Tuesday, February 18, 2020. He is scheduled to return to the office Wednesday, February 19, 2020. As well, counsel learned earlier today that *pro bono* counsel has secured new employment and, as a result, will be withdrawing from the case by the end of next week.

3. Because the responsive submission will rely on presumptively classified information, counsel must prepare the submission in the defense SCIF (sensitive compartmented information facility). For the same reason, counsel cannot discuss the contents of the responsive submission by unsecured telephone or other unsecured electronic means.
4. Moreover, preparation of the responsive document will have to be done from memory, because the government has recalled the subject document.
5. Since one of undersigned counsel will be on leave through the five days the Court has allotted the defense to prepare the submission, and because counsel may not work on or discuss the submission in an unsecure setting, counsel would not be able to consult with one another at all during that time.
6. In light of the requirements and constraints peculiar to preparing the responsive submission that the Court has requested, counsel move this Court for an extension of three days to permit counsel to file the responsive *ex parte* submission by Thursday, February 20, 2020.

7. A proposed order is attached to this motion for the Court's convenience.

Respectfully Submitted,

DANIEL EVERETTE HALE
By Counsel,

Jeremy C. Kamens
Federal Public Defender

/s/ Todd Richman
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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2020, I filed the foregoing via the CM/ECF system, which will electronically serve a copy upon all counsel of record.

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